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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/047,203      | 01/17/2002  | Charles Young        |                     | 4194             |

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EXAMINER

LEE, EDMUND H

ART UNIT PAPER NUMBER

1732

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/047,203 | <b>Applicant(s)</b><br>YOUNG, CHARLES |  |
|                              | <b>Examiner</b><br>EDMUND H. LEE     | <b>Art Unit</b><br>1732               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "complementarity positioned" (cl 1, ln 7) is idiomatically incorrect.

Clarification and/or correction is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 07172959 in view of Leary (USPN 2849752). In regard to claim 1, JP 07172959 teaches molding footprint tiles (abstract; figs 1-2)—as a note, footprint, as defined by the instant specification as pg 2, is any various shape; rolling tile base to a predetermined uniform thickness (abstract; figs 1-2); imprinting by using a plate or roller with a plurality of convex footprints and exerting pressure upon the rolled tile base forming a plurality of concave footprint impressions into the tile base (abstract; figs 1-2); cutting the tile base into individual tiles (abstract; figs 1-2); and drying the imprinted tile (abstract; figs 1-2)—as a note such is inherent with the process in order to form a useable product. However, JP 07172959 does not teach cutting by utilizing a plate or roller with a plurality of blades complementarity positioned to the plurality of concave footprint impressions and exerting pressure upon the rolled tile base forming individual footprint tiles. Leary

Art Unit: 1732

teaches embossing upon a base material (fig 1); and cutting with a plate the embossed base material into individual tiles. JP 07172959 and Leary are combinable because they are analogous with respect to forming a design onto a continuous base material and forming tiles. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the cutting plate of Leary in the process of JP 07172959 in order to facilitate the production of individual tiles. In regard to claims 2-6, JP 07172959 teaches applying a coating on the individual footprint tiles (fig 2, step II); and using a tile base of plastic composite (title; abstract; and figs 1-2)--it should be noted that the composition is extruded. However, JP 07172959 does not teach using impressions of animal footprints; using an impression from one of the claimed animals; and coating a glaze on the individual tiles. In regard to using impressions of animal footprints, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, animal footprint tiles are well-known in the tile art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to imprint animal footprints in the tiles of JP 07172959 instead of geometric shapes in order to diversify the products of JP 07172959. In regard to using an impression from one of the claimed animals, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, footprint tiles of the claimed animals are well-known in the tile art. Thus, it would have been obvious to one of ordinary skill in the art

Art Unit: 1732

at the time the invention was made to imprint footprints of one of the claimed animals in the tiles of JP 07172959 instead of geometric shapes in order to diversify the products of JP 07172959. In regard to coating a glaze on the individual tiles, such is well-known in the tile art and ceramic art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to applying a coating of glaze onto the tiles of JP 07172959 in order to provide protection.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wood (DES 383473 teaches a human footprint mold for a walkway.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE  
Primary Examiner  
Art Unit 1732

EHL

  
3/22/04